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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

MONROE DIVISION

APPOINTSON CHERELUS

* CIVIL ACTION NO. 11-0459
Section P

VERSUS

* JUDGE DONALD E. WALTER

JOHN SMITH (WARDEN)

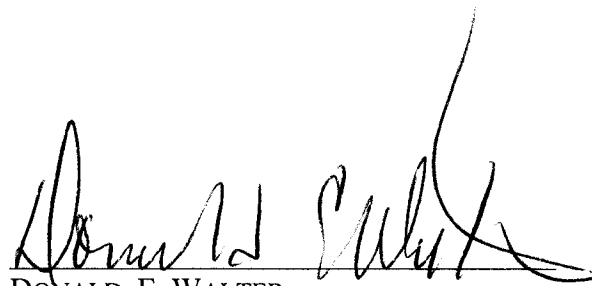
* MAG. JUDGE KAREN L. HAYES

J U D G M E N T

The Report and Recommendation of the Magistrate Judge having been considered, no objections thereto having been filed, and finding that same is supported by the law and the record in this matter,

IT IS ORDERED that the motion to dismiss [doc. # 12] filed on behalf of respondents is **GRANTED**, and that the Petition for Writ of *Habeas Corpus* is hereby **DISMISSED**, without prejudice, for lack of subject matter jurisdiction. Fed.R.Civ.P. 12(b)(1).

THUS DONE AND SIGNED this 5 day of Oct 2011 in
Shreveport, Louisiana.



DONALD E. WALTER
UNITED STATES DISTRICT JUDGE